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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/714,176 | 11/14/2003 | Jody Keener | 021999.0101PTUS | 2915 |

7590 07/19/2006

J. Lloyd International, Inc.
1115-33rd Avenue Southwest
Cedar Rapids, IA 52404

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| EXAMINER |
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GUIDOTTI, LAURA COLE

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| ART UNIT | PAPER NUMBER |
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1744

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,176

Applicant(s)

KEENER, JODY

Examiner

Laura C. Guidotti

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04052004.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3, 8, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Schloss, US 1,357,006.

Schloss discloses the claimed invention including a fabric configured with ribs (a) formed about visually apparent openings (c) having a “sufficiently small dimension” and limits the contact between a user’s fingers and the rigid surface (Page 1 Lines 91-100, the cloth and not the user’s fingers comes in contact with the rigid surface or body portion that is to be cleaned). Regarding claims 3 and 12, the fabric is “lightweight” (as it may be a cotton, wool, or silk, Page 1 Lines 64-66). Regarding claim 8, the cloth is manufactured by “forming” (preferably by knitting, Page 1 Lines 40-43).

2. Claims 1, 3-4, 6-8, 10, and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by McCormick, US 1,886,824.

McCormick discloses the claimed invention including a fabric configured with ribs (8) formed about visually apparent openings (see Figures, openings best shown in Figures 2, 4, and 5, fabric comprised of cheese cloth which is a "loosely woven, thin, light in weight, open in construction, and soft" according to http://allaboutfabrics.com/dictionary_us/Cheesecloth.htm, Page 1 Lines 15-18, Page 1 Line 5 states that the fabric is "permeable") having a "sufficiently small dimension" and limits the contact between a user's fingers and the rigid surface (as the cloth and not the user's fingers comes in contact with the rigid surface or body portion that is to be cleaned, Page 1 Lines 90-97). Regarding claims 3 and 12, the fabric is "lightweight" (as it is cheese cloth, Page 1 Lines 15-18; "cheesecloth" is defined as being "loosely woven, thin, light in weight, open in construction, and soft" according to http://allaboutfabrics.com/dictionary_us/Cheesecloth.htm). Regarding claims 4 and 10, the fabric is configured in a rectangular sheet (see Figures 2 and 4, when unwound the fabric is rectangular). Regarding claims 6-7 and 13 and has a low stitch count and the fabric is configured in a weave (Page 1 Lines 4-5, again cheese cloth is loosely woven and therefore is capable of having a low stitch count). Regarding claims 8 and 14, the cloth fabric is formed by weaving (as it is a weave, Page 1 Lines 4-5).

3. Claims 1-2, 4, and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Mitchell, Jr. et al., US 7,013,679.

Mitchell, Jr. et al. disclose the claimed invention including a fabric (C) configured with ribs (Column 2 Lines 62-67) formed about visually apparent openings (see Figures 5-6, openings are voids formed between knit yarns) having a "sufficiently small

Art Unit: 1744

dimension” and limits the contact between a user’s fingers and the rigid surface (as the cloth and not the user’s fingers comes in contact with the rigid surface or body portion that is to be cleaned, Column 2 Lines 6-13). Regarding claims 2 and 9, the fabric is substantially non-absorbent (as the yarns substantially comprise rubber, Column 3 Lines 6-30, and rubber is considered to be “water-repellent” as defined by *WordNet*® 2.0, © 2003 Princeton University). Regarding claims 4 and 10, the fabric is configured in a rectangular sheet (Figure 1A). Regarding claim 8, the cloth is manufactured by “forming” (specifically by knitting, Column 3 Lines 6-10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims 1, 3-8, and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higginson, US 5,444,890 in view of McCormick, US 1,886,824.

Higginson discloses the claimed invention including a cloth comprising a fabric (2, 3; Column 3 Lines 9-11). Regarding claims 4-5 and 11 the fabric is capable of being configured in a rectangular shape (Column 3 Lines 19-20) and has a maximum dimension of 8 inches (8 inches is 20.32 cm, Column 3 Lines 42-43 state that the width is about 2-20cm, and Column 3 Lines 48-50 state that the height is about 3-20cm) for being a convenient size for cleaning a typical eyeglass lens (Column 3 Lines 34-36). Regarding claim 8, the cloth is manufactured by "forming" (as it is formed, see Figures). Higginson discloses that the fabric may include any suitable material for cleaning lenses (Column 3 Lines 24-32), however does not particularly include a fabric configured with ribs formed about visually apparent openings.

McCormick discloses all elements mentioned above in paragraph 2, including a fabric configured with ribs formed about visually apparent openings (see Figures, openings best shown in Figures 2, 4, and 5, fabric comprised of cheese cloth which is a "loosely woven, thin, light in weight, open in construction, and soft" according to http://allaboutfabrics.com/dictionary_us/Cheesecloth.htm, Page 1 Lines 15-18, Page 1 Line 5 states that the fabric is "permeable") having a "sufficiently small dimension" and limits the contact between a user's fingers and the rigid surface (as the cloth and not the user's fingers comes in contact with the rigid surface or body portion that is to be cleaned, Page 1 Lines 90-97). McCormick also discloses specific fabric properties (as stated above in paragraph 2), specifically that in regards to claims 3 and 12, that the fabric is "lightweight" (as it is cheese cloth, Page 1 Lines 15-18; "cheesecloth" is defined as being "loosely woven, thin, light in weight, open in construction, and soft" according

Art Unit: 1744

to http://allaboutfabrics.com/dictionary_us/Cheesecloth.htm), that in regards to claims 4 and 10, the fabric is configured in a rectangular sheet (see Figures 2 and 4, when unwound the fabric is rectangular), in regards to claims 6-7 and 13 and has a low stitch count and the fabric is configured in a weave (Page 1 Lines 4-5, again cheese cloth is loosely woven and therefore is capable of having a low stitch count), and in regards to claims 8 and 14, the cloth fabric is formed by weaving (as it is a weave, Page 1 Lines 4-5). McCormick teaches that this particular cloth fabric is highly useful for cleaning glass (page 1 Lines 90-97).

It would have been obvious for one of ordinary skill in the art to modify the lens cleaning cloth and the method of forming the cloth of Higginson, to have it comprise a fabric having rims formed about visually apparent openings that are manufactured by forming it by weaving, as McCormick teaches, in order to use a fabric that is beneficial for cleaning glass surfaces.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Laura C Guidotti
Patent Examiner
Art Unit 1744

lcg